

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ANTHONY CARTER,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:18-cv-0590
)	
ALLEGHENY COUNTY, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Presently before the Court is Plaintiff Anthony Carter’s Motion for Reconsideration in which he asks that the Court reconsider its decision to close this case and upon reconsideration, to reopen the case. ECF No. 100. On January 7, 2020, the Magistrate Judge issued a Report (ECF No. 92) recommending that Plaintiff’s case be dismissed, under *Poulis v. State Farm Fire & Cas. Co.*, 747 F.2d 863, 868 (3d Cir. 1984), based on Mr. Carter’s failure to comply with a series of Orders regarding his continuing obligation to keep the Court apprised of his current address. Service of the Report and Recommendation was attempted at Plaintiff’s listed address record, but was returned from Allegheny County Jail, with the notation: “RTS. Gone.” (ECF No. 93). As noted in the Report, on December 5, 2019, Court staff confirmed that Plaintiff had been released from custody on November 4, 2019. From that time until August 2023, Plaintiff had had no communication with the Court or updated his address as required.

A motion for reconsideration “must rely on one of three grounds: (1) an intervening change in controlling law; (2) the availability of new evidence; or (3) the need to correct clear error of law or prevent manifest injustice.” *Lazaridis v. Wehmer*, 591 F.3d 666, 669 (3d Cir. 2010) (citing *North River Ins. Co. v. CIGNA Reinsurance Co.*, 52 F.3d 1194, 1218 (3d Cir. 1995)). In his Motion for Reconsideration, Mr. Carter explains the difficult housing

circumstances he encountered upon his release from prison, which he states rendered him homeless and therefore he was unable to provide the Court with an updated address. Mr. Carter's Motion does not meet the standard for granting reconsideration. Accordingly, the following Order is hereby entered.

AND NOW, this 5th day of October 2023 it is hereby ORDERED that Anthony Carter's Motion for Reconsideration (ECF No. 100) is DENIED.

/s/ Marilyn J. Horan
Marilyn J. Horan
United States District Court Judge

cc: ANTHONY CARTER, pro se
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